

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AMMAR HARRIS,

Plaintiff

Case No. 3:21-cv-00380-RCJ-CLB

ORDER

v.

ELY STATE PRISON STAFF,

Defendant

I. DISCUSSION

On August 23, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted a letter to the Court. (ECF No. 1-1). Plaintiff has not submitted a complaint in compliance with Local Special Rule 2-1 or an application to proceed *in forma pauperis* or paid the full \$402 filing fee in this matter.

Complaint

The Court notes that Plaintiff's document at ECF No. 1-1 does not comply with Local Special Rule 2-1 ("LSR 2-1"). Under LSR 2-1, a civil rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by the court or must be legible and contain substantially all the information called for by the court's form. As such, the Court grants Plaintiff a **one-time** extension until on or before **October 25, 2021** to submit complaint to the Court in compliance with LSR 2-1. The Court will also provide Plaintiff a copy of the Court's § 1983 complaint form with instructions.

Application to Proceed in Forma Pauperis

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this

1 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on
2 page 3),

3 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
4 official (i.e. page 4 of this Court's approved form), and

5 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
6 **previous six-month period.**

7 The Court will grant Plaintiff a **one-time** extension to file a fully complete
8 application to proceed *in forma pauperis* containing all three of the required documents,
9 or in the alternative, pay the full \$402 filing fee for this action on or before **October 25,**
10 **2021**. Absent unusual circumstances, the Court will not grant any further extensions of
11 time. If Plaintiff does not file a fully complete application to proceed *in forma pauperis*
12 with all three required documents or pay the full \$402 filing fee on or before **October 25,**
13 **2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case
14 with the Court when Plaintiff has all three of the documents needed to file a fully complete
15 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

16 A dismissal without prejudice means Plaintiff does not give up the right to refile the
17 case with the Court, under a new case number, when Plaintiff has all three documents
18 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
19 may choose not to file an application to proceed *in forma pauperis* and instead pay the
20 full filing fee of \$402 on or before **October 25, 2021** to proceed with this case.

21 **II. CONCLUSION**

22 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send to
23 Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and a
24 copy of his original document at Docket No. 1-1.

25 IT IS FURTHER ORDERD that Plaintiff will have until on or before **October 25,**
26 **2021** to submit complaint to the Court in compliance with LSR 2-1.

27 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint in compliance
28 with LSR 2-1 on or before **October 25, 2021**, this case will be subject to dismissal without

1 prejudice for Plaintiff to refile the case with the Court, under a new case number, when
2 Plaintiff is able to file a complaint in compliance with LSR 2-1.

3 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
4 approved form application to proceed *in forma pauperis* by an inmate, as well as the
5 document entitled information and instructions for filing an *in forma pauperis* application.

6 IT IS FURTHER ORDERED that on or before **October 25, 2021**, Plaintiff will either
7 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
8 administrative fee) or file with the Court:

9 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
10 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
11 signatures on page 3),

12 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
13 official (i.e. page 4 of this Court's approved form), and

14 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
15 **previous six-month period.**

16 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
17 application to proceed *in forma pauperis* with all three documents or pay the full \$402
18 filing fee for a civil action on or before **October 25, 2021**, this case will be subject to
19 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
20 number, when Plaintiff has all three documents needed to file a complete application to
21 proceed *in forma pauperis* or pays the full \$402 filing fee.

22 DATED: August 24, 2021

23 
24 UNITED STATES MAGISTRATE JUDGE
25
26
27
28